



State of Wisconsin
LEGISLATIVE REFERENCE BUREAU

☞ Appendix A

LRB BILL HISTORY RESEARCH APPENDIX

☞ The drafting file for 2013 LRB-0889/1 (For: Rep. Jorgensen)

has been copied/added to the drafting file for

2013 LRB-2375 (For: Rep. Goyke)

☞ Are These "Companion Bills" ?? ... No



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 05/30/2013 (Per: TTK)

☞ The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2013 DRAFTING REQUEST

Bill

Received: **12/10/2012** Received By: **tkuczens**
Wanted: **As time permits** Same as LRB:
For: **Andy Jorgensen (608) 266-3790** By/Representing: **Tom Kelly**
May Contact: Drafter: **tkuczens**
Subject: **Education - choice programs** Addl. Drafters:
Extra Copies: **pg, ffk**

Submit via email: **YES**
Requester's email: **Rep.Jorgensen@legis.wisconsin.gov**
Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Background investigation requirements

Instructions:

Same as 2011 AB 227

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 12/26/2012	wjackson 1/16/2013		_____			
/1			jmurphy 1/16/2013	_____	sbasford 1/17/2013	sbasford 4/12/2013	State S&L

FE Sent For:

<END>

Jacket
Returned
& Destroyed
06-03-2013

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/?	tkuczens						
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1/16/13

Just 5/2
1/16/13

FE Sent For:

<END>

Kuczenski, Tracy

From: Kelly, Tom
Sent: Monday, December 10, 2012 2:17 PM
To: Kuczenski, Tracy
Subject: Rep. Jorgensen redraft request

Hi Tracy.

Rep. Jorgensen would like to reintroduce 2011 AB 227 (requiring teachers and administrators employed by and owners of private schools participating in the Milwaukee Parental Choice Program and in the choice program for other eligible school districts to be subject to the background investigation requirements and employment restrictions imposed upon teachers in public schools) recreating the Wisconsin election campaign fund) in the 2013-14 session.

If you could prepare the bill for reintroduction, it would be greatly appreciated.

Thanks,

Tom Kelly
Office of Rep. Jorgensen



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2317/1
TKKjld&wljif

Amir Wlj

2011 ASSEMBLY BILL 227

2013

in 12/26/12

By
Wed
if possible

August 26, 2011 - Introduced by Representatives GRIGSBY, JORGENSEN, PASCH, MASON, SINICKI, TURNER, RADCLIFFE, HULSEY, ZAMARRIPA, TOLES and KESSLER, cosponsored by Senators TAYLOR, C. LARSON, S. COGGS, RISSER and LASSA. Referred to Committee on Education.

Regen

- 1 AN ACT *to amend* 118.60 (10) (c) and 119.23 (10) (c); and *to create* 118.60 (7) (h),
2 118.60 (10) (a) 8., 118.60 (10) (bm), 119.23 (7) (h), 119.23 (10) (a) 8. and 119.23
3 (10) (bm) of the statutes; **relating to:** requiring teachers and administrators
4 employed by and owners of private schools participating in the Milwaukee
5 Parental Choice Program and in the choice program for other eligible school
6 districts to be subject to the background investigation requirements and
7 employment restrictions imposed upon teachers in public schools.

Analysis by the Legislative Reference Bureau

Under current law, the state superintendent of public instruction (state superintendent) must, with the assistance of the Department of Justice (DOJ), conduct a background investigation of each applicant for issuance or renewal of a license or permit. A license or permit is required for an applicant to teach in a public school. If the state superintendent determines that further investigation of the applicant is necessary, the applicant shall be fingerprinted and the fingerprinting cards may be forwarded by DOJ to the Federal Bureau of Investigation for the purpose of verifying the applicant's identity and obtaining records of the applicant's criminal arrest or conviction. The state superintendent may condition issuance of a license or permit upon the receipt of a satisfactory background investigation. Current law requires the state superintendent to revoke a license issued to an

current law
requires
fingerprinting
or

to verify

DOJ
may
forward
STET

obtain

ASSEMBLY BILL 227

individual (licensee) by the state superintendent for incompetency or immoral conduct on the part of the licensee; if the licensee is convicted of certain Class A, B, C, D, E, F, G, or H felonies or certain other crimes or violations, including sex offenses; or if the licensee is liable for delinquent taxes or is delinquent in making court-ordered payments of child or family support payments.

Under the Milwaukee Parental Choice Program (MPCP), a pupil who resides in the city of Milwaukee may attend a participating private school at state expense if, among other requirements, the pupil is a member of a family that has a total family income that does not exceed 300 percent of the poverty level. The Biennial Budget Act, 2011 Wisconsin Act 32 (the act), created a parental choice program for eligible school districts (program). Under the program, a pupil who resides in an eligible school district may attend a participating private school if, among other requirements, the pupil is a member of a family that has a total family income that does not exceed 300 percent of the poverty level.

This bill requires the state superintendent to ensure that, on an annual basis, teachers in and administrators and owners of private schools participating in the MPCP and in the program are subject to the same background investigations applicable to licensees. The bill requires the state superintendent to charge each private school a fee sufficient to reimburse the Department of Public Instruction for the costs to conduct the investigations required under the bill. The state superintendent may prohibit a private school from participating in the MPCP or in the program in the current school year if the private school has failed to pay the fee charged for the background investigations. The bill prohibits a participating private school from employing a teacher or administrator who would not be eligible for employment in a public school for any of the reasons identified above. The bill also authorizes the state superintendent to immediately terminate a private school's participation in the MPCP or the program if the owner of the private school would not be eligible for employment for any of the reasons identified above.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 SECTION 1. 118.60 (7) (h) of the statutes is created to read:
- 2 118.60 (7) (h) 1. Annually, by August 1, the state superintendent shall, with the
- 3 assistance of the department of justice, ensure that each teacher and administrator
- 4 employed by a participating private school is subject to the same background
- 5 investigation and, if a reasonable basis for further investigation exists,
- 6 fingerprinting, as is conducted with respect to an applicant for issuance or renewal

1 of a license or permit as specified in s. 118.19 (10) (b) 1. and (c). A participating
2 private school may not employ a person as a teacher or administrator or contract with
3 the person to serve as a teacher or administrator if the person would not be eligible
4 to be employed, licensed, or permitted for any of the reasons specified under s. 115.31
5 or 115.315.

6 2. Annually, by August 1, the state superintendent shall, with the assistance
7 of the department of justice, ensure that each owner of a participating private school
8 is subject to the same background investigation and, if a reasonable basis for further
9 investigation exists, fingerprinting, as is conducted for each teacher and
10 administrator employed by the participating private school under subd. 1.

11 3. The state superintendent shall charge the participating private school a fee
12 sufficient to reimburse the department for the costs of the investigations required
13 under this paragraph.

14 **SECTION 2.** 118.60 (10) (a) ⁹⁰8. of the statutes is created to read:

15 118.60 (10) (a) ⁹⁰8. Failed to pay the fee charged to the private school under sub.
16 (7) (h) 3.

17 **SECTION 3.** 118.60 (10) (bm) of the statutes is created to read:

18 118.60 (10) (bm) The state superintendent may issue an order immediately
19 terminating a private school's participation in the program under this section if he
20 or she determines that the owner of the private school would not be eligible or
21 permitted to be employed, licensed, or permitted for any of the reasons specified
22 under s. 115.31 or 115.315.

23 **SECTION 4.** 118.60 (10) (c) of the statutes, as created by 2011 Wisconsin Act 32,

24 is amended to read:

1 118.60 (10) (c) Whenever the state superintendent issues an order under par.
2 (a), (am), ~~or~~ (b), or (bm), he or she shall immediately notify the parent or guardian
3 of each pupil attending the private school under this section.

4 **SECTION 5.** 119.23 (7) (h) of the statutes is created to read:

5 119.23 (7) (h) 1. Annually, by August 1, the state superintendent shall, with the
6 assistance of the department of justice, ensure that each teacher and administrator
7 employed by a participating private school is subject to the same background
8 investigation and, if a reasonable basis for further investigation exists,
9 fingerprinting, as is conducted with respect to an applicant for issuance or renewal
10 of a license or permit as specified in s. 118.19 (10) (b) 1. and (c). A participating
11 private school may not employ a person as a teacher or administrator or contract with
12 the person to serve as a teacher or administrator if the person would not be eligible
13 to be employed, licensed, or permitted for any of the reasons specified under s. 115.31
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16 of the department of justice, ensure that each owner of a participating private school
17 is subject to the same background investigation and, if a reasonable basis for further
18 investigation exists, fingerprinting, as is conducted for each teacher and
19 administrator employed by the participating private school under subd. 1.

20 3. The state superintendent shall charge the participating private school a fee
21 sufficient to reimburse the department for the costs of the investigations required
22 under this paragraph.

23 **SECTION 6.** 119.23 (10) (a) ⁹¹⁰8 of the statutes is created to read:

24 119.23 (10) (a) ⁹¹⁰8 Failed to pay the fee charged to the private school under sub.
25 (7) (h) 3.

SECTION 7. 119.23 (10) (bm) of the statutes is created to read:

119.23 (10) (bm) The state superintendent may issue an order immediately terminating a private school's participation in the program under this section if he or she determines that the owner of the private school would not be eligible or permitted to be employed, licensed, or permitted for any of the reasons specified under s. 115.31 or 115.315.

7 **SECTION 8.** 119.23 (10) (c) of the statutes is amended to read:

8 119.23 (10) (c) Whenever the state superintendent issues an order under par.
9 (a), (am), ~~or~~ (b), or (bm), he or she shall immediately notify the parent or guardian
10 of each pupil attending the private school under this section.

11 (END)

Basford, Sarah

From: Kelly, Tom
Sent: Friday, April 12, 2013 9:04 AM
To: LRB.Legal
Subject: Draft Review: LRB -0889/1 Topic: Background investigation requirements

Please Jacket LRB -0889/1 for the ASSEMBLY.

2013 ASSEMBLY BILL _____

ASSEMBLY:

Introduced by Representative _____ Cosponsored by Senator _____
(PRINCIPAL AUTHOR)

(BY REQUEST OF)

(CONTINUE HERE FOR ADDITIONAL REPRESENTATIVES)

(CONTINUE HERE FOR ADDITIONAL SENATORS)

Jacket
Returned
&
Destroyed



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0889/1
TKK:wlj:jm

2013 BILL

1 **AN ACT** *to amend* 118.60 (10) (c) and 119.23 (10) (c); and *to create* 118.60 (7) (h),
2 118.60 (10) (a) 9., 118.60 (10) (bm), 119.23 (7) (h), 119.23 (10) (a) 9. and 119.23
3 (10) (bm) of the statutes; **relating to:** requiring teachers and administrators
4 employed by and owners of private schools participating in the Milwaukee
5 Parental Choice Program and in the choice program for other eligible school
6 districts to be subject to the background investigation requirements and
7 employment restrictions imposed upon teachers in public schools.

Analysis by the Legislative Reference Bureau

Under current law, the state superintendent of public instruction (state superintendent) must, with the assistance of the Department of Justice (DOJ), conduct a background investigation of each applicant for issuance or renewal of a license or permit. A license or permit is required for an applicant to teach in a public school. If the state superintendent determines that further investigation of the applicant is necessary, current law requires fingerprinting of the applicant, and DOJ may forward the fingerprinting cards to the Federal Bureau of Investigation to verify the applicant's identity and obtain records of the applicant's criminal arrest or conviction. The state superintendent may condition issuance of a license or permit upon the receipt of a satisfactory background investigation. Current law requires the state superintendent to revoke a license issued to an individual (licensee) by the

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state superintendent for incompetency or immoral conduct on the part of the licensee; if the licensee is convicted of certain Class A, B, C, D, E, F, G, or H felonies or certain other crimes or violations, including sex offenses; or if the licensee is liable for delinquent taxes or is delinquent in making court-ordered payments of child or family support payments.

Under current law, a pupil who resides in the city of Milwaukee or an eligible school district (currently only the Racine Unified School District) may, under a parental choice program, attend a participating private school at state expense if, among other requirements, the pupil is a member of a family that has a total family income that does not exceed 300 percent of the poverty level.

This bill requires the state superintendent to ensure that, on an annual basis, teachers in and administrators and owners of private schools participating in a parental choice program are subject to the same background investigations applicable to licensees. The bill requires the state superintendent to charge each private school a fee sufficient to reimburse the Department of Public Instruction for the costs to conduct the investigations required under the bill. The state superintendent may prohibit a private school from participating in a parental choice program in the current school year if the private school has failed to pay the fee charged for the background investigations. The bill prohibits a participating private school from employing a teacher or administrator who would not be eligible for employment in a public school for any of the reasons identified above. The bill also authorizes the state superintendent to immediately terminate a private school's participation in a parental choice program if the owner of the private school would not be eligible for employment for any of the reasons identified above.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 118.60 (7) (h) of the statutes is created to read:
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- 5 investigation and, if a reasonable basis for further investigation exists,
- 6 fingerprinting, as is conducted with respect to an applicant for issuance or renewal
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BILL

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2 to be employed, licensed, or permitted for any of the reasons specified under s. 115.31
3 or 115.315.

4 2. Annually, by August 1, the state superintendent shall, with the assistance
5 of the department of justice, ensure that each owner of a participating private school
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7 investigation exists, fingerprinting, as is conducted for each teacher and
8 administrator employed by the participating private school under subd. 1.

9 3. The state superintendent shall charge the participating private school a fee
10 sufficient to reimburse the department for the costs of the investigations required
11 under this paragraph.

12 **SECTION 2.** 118.60 (10) (a) 9. of the statutes is created to read:

13 118.60 (10) (a) 9. Failed to pay the fee charged to the private school under sub.
14 (7) (h) 3.

15 **SECTION 3.** 118.60 (10) (bm) of the statutes is created to read:

16 118.60 (10) (bm) The state superintendent may issue an order immediately
17 terminating a private school's participation in the program under this section if he
18 or she determines that the owner of the private school would not be eligible or
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BILL

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6 of each pupil attending the private school under this section.

7 (END)